

CIVIL DOCKET

Jury demand date: 10-14-71

D. C. Form No. 106A Rev.

TITLE OF CASE				ATTORNEYS			
GEORGIA WHIPPLE JENKINS vs Jerry McMillen, Richard Chessser, William McCracken, Jim Aud, and Rick Knight, Police Officers, City of Tulsa, Okla., Jack Purdie, Chief of Police, City of Tulsa, Okla., Brad Scheer, Police and Fire Comm- issioner, City of Tulsa, Okla., The Hon. Robert LaFortune, Mayor, City of Tulsa, Okla., Waldo Bales, City Attorney, City of Tulsa, Okla., Jon. G. T. Blankenship, Attorney General, State of Okla., Hon. Dewey Bartlett, Governor, State of Okla., Hon. S. M. (Buddy) Fallis, Jr., District Attorney, Tulsa County, Okla., Hon. Municipal Criminal Court of Record of the City of Tulsa, Okla., and Hon. Fourteenth Judicial District Court in and for Tulsa County, State of Okla.				For plaintiff: 5828201 Lawrence A. Johnson & Fred Gilbert Farmer, Woolsey, Flipppo & Bailey 602 National Bank of Tulsa Bldg. Tulsa, Okla 74103 (585-1181)			
				For defendant: Marvin Spears Forrest D. Nelson Asst District Atty Tulsa Co. Court House Tulsa, Okla 584-0471 Ext 271 Robert H. Tips, Asst. City Atty. City Hall, Tulsa, Okla. 581-5201 Theodore P. Gibson, Asst. City Atty.			

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 8-1-70	Clerk	1970 7-24 7-30	Johnson C.D. No. 5	15 00	15 00
J.S. 6 mailed 2-1-72	Marshal				
Basis of Action: Claratory Judgment & Injunction	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-24-70	Complaint filed, Summons issued. v	
7-24-70	Summary of Authority, filed. v	
7-29-70	Return on service of summons filed. Served S. M. "Buddy" Fallis, Jr. at Tulsa, Okla, Jack Purdie, Tulsa, Oklahoma, Jerry McMillen, Richard Chessser, William McCracken, Jim Aud, and Rick Knight by serving Jack Purdie, at Tulsa, Okla, The Municipal Criminal Court of Records by serving Thomas Crewson, Municipal Judge, at Tulsa, Okla, and Robert LaFortune, Mayor, at Tulsa, Okla, all on 7-28-70. Served Brad Scheer and Waldo Bales, both at Tulsa, Okla, on 7-29-70. ds (\$33.00)	
8-6-70	Summons returned, filed/ - served Dewey Bartlett, Gov. of State of Okla. & State of Oklahoma at Oklahoma City, Okla. on 7-29-70. (Fee \$8.72) b	
8-10-70	Motion to dismiss and motion to strike of defendant, S. M. Buddy Fallis, Jr., filed. ds	
8-10-70	Defendant's brief in support of motion to dismiss and motion to strike, filed. ds	
8-14-70	Ordered by the Court that the plaintiff respond to the defendant, S. M. (Buddy) Fallis, Jr.'s motion to dismiss and motion to strike, with brief, within 15 days from date. (Fred Daugherty - Judge) b	
8-17-70	Response to deft. Fallis' motions to dismiss and strike, filed. m <i>consigned</i>	
8-17-70	Brief in support of pltf's reponse to deft. Fallis' motions to dismiss and strike, filed. m <i>consigned</i>	
8-17-70	Application for order allowing defts. additional time in which to plead or answer, filed. m	
8-17-70	Order allowing defts. Jack Purdie, Brad Scheer, Robert LaFortune, Waldo Bales & the Municipal Criminal Court of Record of the City of Tulsa an additional 15 days in which to answer or plead, filed. (JHP-Clerk)m	
8-17-70	Motion to quash service of summons of defts. Jerry McMillen, Richard Chessser, William McCracken, Jim Aud & Rick Knight, filed. m	
8-17-70	Brief in support of defts' motion to quash service of summons, filed. m	
8-19-70	Return on service of writ, filed. Served Judge Robert D. Simms personally in Tulsa, Okla. on 8-18-70. (Fees: \$3.00)m	
8-21-70	Defendants, Dewey Bartlett, Governor and G. T. Blankenship, Atty. Gen., filed, to dismiss. b <i>mailed</i>	
8-21-70	Brief of defendants, Dewey Bartlett, Governor and G. T. Blankenship, Atty. Gen., in support of motion to dismiss, filed. b <i>mailed</i>	
8-21-70	Motion to dismiss filed by Fourteenth Judicial District Court. b <i>mailed</i>	
8-21-70	Brief in support of motion to dismiss filed by Fourteenth Judicial District Court. b <i>mailed</i>	
8-24-70	Notice to take deposition of Jack Purdie, filed. Subpoena issued. g	
8-24-70	Order filed that defendants, Jerry McMillen, Richard Chessser, William McCracken, Jim Aud and Rick Knight's motion to quash service of summons is sustained, the same being confessed by attached letter. (Fred Daugherty- Judge) b copies mailed to attys.	
8-25-70	Return on service of writ, filed. Served Jerry McMillen, Rick Knight, Jim Aud and William McCracken at Tulsa, Oklahoma, on 8-21-70. \$2.88 Served Richard Chessser at Tulsa, Okla, on 8-20-70. ds	
8-27-70	Plaintiff's reply brief to defendants, Dewey Bartlett and G. T. Blankenship's motion to dismiss, filed. ds <i>mailed</i>	
8-28-70	Deposition subpoena to Jack Purdie not served, filed. b	
9-1-70	Motion to dismiss of defts. Jerry McMillen, Richard Chessser, William McCracken, Jim Aud, Rick Knight, Jack Purdie, Brad Scheer, Robert LaFortune, Waldo Bales and the Hon. Municipal Criminal Court of Record of the City of Tulsa, filed. m <i>mailed</i>	
9-1-70	Brief in support of above motion to dismiss, filed. m <i>mailed</i>	

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-10-70	Plaintiff's requests for admissions, filed. b	
9-11-70	Notice to take deposition of A. J. McMillen, alias Jerry McMillen, on 9-18-70, filed. g Subpoena duces tecum issued.	
9-14-70	Subpoena duces tecum returned, filed - served A. J. McMillen on 9-14-70 at Tulsa, Okla. (Fee \$5.12) b McMillen & Purdy	
9-17-70	Motion to quash service of subpoena duces tecum, filed. / ds <i>mailed</i>	
9-17-70	Brief in support of defendants' motion to quash subpoena duces tecum, filed. ds <i>mailed</i>	
9-21-70	Ordered by the Court that the plaintiff respond, with brief, to the defendant McMillen and Purdie's motion to quash service of subpoena duces tecum within 15 days from date. (Fred Daugherty - Judge) b	
10-9-70	Response to Requests for Admissions, (City of Tulsa), filed. js	
10-14-70	Plaintiff's Brief in support of Subpoenas Duces Tecum, filed. v <i>mailed</i>	
10-26-70	Order overruling motion of defendant Buddy Fallis to dismiss and motion to strike, filed. (Fred Daugherty - Judge) b copies mailed	
10-26-70	Order overruling motion of Jerry McMillen and Jack Purdy to quash service of subpoena duces tecum, filed. (Fred Daugherty - Judge) b	
10-26-70	Order filed, that the motion to dismiss as to The Hon. Municipal Court of Record of the City of Tulsa and The Hon. Fourteenth Judicial District Court in and for Tulsa County, State of Oklahoma is sustained; that the complaint be amended within 10 days as to Hon. G. T. Blankenship, Attorney General, State of Oklahoma and Hon. Dewey Bartlett, Governor, State of Oklahoma or suffer dismissal of her action against them; motion of remaining defendants to dismiss overruled and defendants directed to answer or otherwise respond to plaintiffs complaint within 20 days. (Fred Daugherty-J) copies of above 3 orders mailed to counsel. b	
11-5-70	Ordered that Pltf. is granted an additional 5 days to amend complaint. (FD-J)m	
11-6-70	Answer filed by Defendant. Filed. v (answer of S.M. (Buddy) Fallis	
11-9-70	Interrogatories to Plaintiff filed. h <i>letter mailed</i>	
11-13-70	Answer of Waldo Bales, filed. g	
11-13-70	Answers of Jerry McMillen, Richard Chessser, William McCracken, Jim Aud and Rick Knight, filed. g	
11-13-70	Interrogatories by Waldo Bales to plaintiff, filed. g	
11-16-70	Amendment to complaint, filed. b <i>mailed to Rogers 5-20-71</i>	
11-16-70	Plaintiff's motion to reconsider or stay; and/or motion to substitute parties, filed. b <i>mailed</i>	
11-16-70	Plaintiff's memorandum in support of plaintiff's motions regarding State and Municipal Courts (and Judges), filed. b <i>mailed</i>	
11-17-70	Ordered by the Court that the defendants remaining in the case, as they are affected by the Motion, respond, with brief, to the plaintiff's motion to reconsider or stay; and/or motion to substitute parties, within 20 days from date. (Fred Daugherty-Judge) b	
11-18-70	Order filed, that the plaintiff having not filed the amended complaint within 10 days of Oct. 26, 1970 and without leave of Court, case is dismissed as to Bartlett, Blankenship, LaFortune, Scheer and Purdie, and amendment to complaint filed is stricken from the case. (Fred Daugherty - Judge) copies mailed counsel. b	
11-25-70	Brief against Plaintiff's Motion to reconsider or stay; and/or Motion to substitute parties, filed, by S.M. Fallis, Jr. D.A. Filed. v	
12-2-70	Correction of order of November 18, 1970 filed, that portion of order dismissing plaintiff's action against defendant Purdie is deleted and	

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Sheet No. 2

DATE	PROCEEDINGS	Date Order or Judgment Noted
	defendant Purdie is directed to answer or plead to plaintiff's amended complaint against him within 20 days from date hereof. (Fred Daugherty - Judge) b	
12-3-70	Brief against Plaintiff's motion to Reconsider or stay; and/or motion to substitute parties filed by defendant. h <i>del</i>	
12-4-70	Plaintiff's motion for summary judgment: Judicial Declaration of unconstitutionality of "Vagrancy" filed. b <i>del</i>	
12-4-70	Plaintiff's brief in support of Summary Declaratory Judgment, filed. b <i>del</i>	
12-14-70	Deposition of Jerry McMillen, filed. (Fee: \$56.00 pd by Pltf.) m	
12-17-70	Plaintiff's answers to interrogatories of the defendant Bales, filed. b	
12-17-70	Plaintiff's answers to interrogatories of defendant Fallis, filed. b	
12-18-70	Ordered by the Court that the defendants respond, with brief, to the plaintiff's motion for summary judgment within 20 days from date. (Fred Daugherty Judge) b	
12-21-70	Order filed, plaintiff's motion to reconsider or stay; and/or motion to substitute parties is denied. (Fred Daugherty-Judge) b	
1-5-71	Copies of above order mailed to all counsel. b	
1-5-71	Ordered by the Court that the defendants are granted 15 days additional time to respond, with brief, to the plaintiff's motion for summary judgment. (Fred Daugherty - Judge) b (letters mailed)	
1-6-71	Application of defendants, S. M. Fallis, Jr., District Attorney and the Honorable 14th Judicial District Court in and for Tulsa County, Oklahoma for additional time to respond to plaintiff's motion for Summary Judgment, filed. b	
1-6-71	Order filed that the defendants S. M. Fallis, Jr., District Attorney and the Honorable 14th Judicial District Court in and for Tulsa County, Oklahoma shall have an additional 15 days to respond to the plaintiff's motion for Summary Judgment. (Fred Daugherty-Judge) Copies mailed to counsel. b	
1-22-71	Defendant's response to plaintiff's motion for summary judgment and to motion for a judicial declaration of unconstitutionality of "vagrancy" with brief attached. ds <i>mailed</i>	
1-22-71	Response to plaintiff's Motion for summary Judgment, filed by S.M. Fallis, Jr., D.A. the Defendant., Filed. r	
1-22-71	Defendant's Brief in response to plaintiff's Motion for Summary Declaratory Judgement., Filed. r	
1-29-71	Plaintiff's reply on Summary Judgment, filed. b	
2-10-71	Ordered by the Court that the defendant, Jack Purdie, is granted 10 days from date within which to plead or answer to the amended Complaint. (Fred Daugherty - Judge) b	
2-25-71	Order filed that plaintiff's motion for summary judgment is overruled. (Fred Daugherty - Judge) b copies mailed.	
3-3-71	Motion to dismiss amended complaint as to defendant Jack Purdie, filed. (Leave granted to file out of time) b <i>mailed 5-26</i>	
3-3-71	Memorandum brief in support of the motion to dismiss of the defendant Jack Purdie, filed. <i>mailed 5-26</i>	
3-3-71	Copy of letter from Judge Daugherty to Lawrence Johnson that the plaintiff respond to the motion to dismiss the amended complaint, with brief, within 15 days, filed. b	
3-23-71	Ordered by the Court that pltf. is granted a two week extension to reply to the deft. Purdie's brief in support of motion to dismiss. (FD-J)m	
4-2-71	Plaintiff's response to defendant Purdie's motion to dismiss the amended complaint, filed. b <i>mailed response</i>	

(Continued on Page No. 5, Sheet No. 3)

D. C. 110A Rev. Civil Docket Continuation

Sheet No. 3

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-27-71	Notice to Take Depositions filed. Plaintiff will take deposition of	
5-27-71	Jack Purdie at Tulsa Police Dept at Tulsa, Okla. on 6-2-71 at 10:00 a.m. Subpoena duces tecum, returned & filed: Jack Purdie served at Tulsa, 5-27-71. (USM \$2.00)g	
5-28-71	Order that motion to dismiss of deft. Purdie is overruled, filed. (FD-J)m (copies mailed)	
6-4-71	Answer of Jack Purdie, filed. g	
6-7-71	Case set for Pre-Trial on Thursday, 6-10-71 at 2:00 P.M. (FD-J)r	
6-10-71	Motion to Quash subpoena Duces Tecum; and, alternatively, Motion to Strike various portions of appendix to subpoena Duces Tecum, filed by the City Attorney, filed. r	
6-10-71	Brief in support of Deft's Motion to Quash subpoena Duces Tecum and, in the alternative, Motion to Strike, filed. r	
6-10-71	Case called for Pre-Trial Hearing. Parties represented. Pltf. request that case be tried to a 3-Judge Court, pltf. to file a formal request within 10 days and to be supported with a brief. Deft. to respond within 10 days thereafter. Deft. filed Motion to Quash Subpoena Duces Tecum. Pltf. is given 20 days to respond. Case Stricken from Pre-Trial Docket. (FD-J)r	
6-21-71	Minute Order - Ordered by the Court granting pltf an additional extension of time of 10 days in which to file a formal request with brief in support requesting a 3-Judge Court. (FD-J)r (attys notified by letter)	
6-22-71	Request for three judge court, filed by plaintiff. ds	
6-22-71	Brief in support of plaintiff's request for a 3-judge court, filed. ds	
7-6-71	Letter dated 7-6-71 from Judge Daugherty to Lawrence Johnson stating that pltf is granted 15 days from date to respond to Motion to Quash Subpoena Duces Tecum. Filed. r	
7-6-71	Letter dated 6-21-71 from Lawrence A. Johnson to J.D. re; Deft's	
7-6-71	Brief in support of Motion to Quash Subpoena Deces Tecum, filed. r	
7-6-71	Letter dated 7-2-71 from Theodore Gibson to J.D. requesting additional time to respond to pltf's request for 3-Judge Court. Filed. r	
7-6-71	MINUTE ORDER: Ordered that Deft is granted extension to 7-16-71 to respond to Pltf's request for 3-Judge Court. (FD-J) (Letters mailed)	
7-7-71	Letter dated 7-6-71 from Marvin E. Spears to J.D. requesting extension of time. Filed. r	
7-7-71	MINUTE ORDER: Ordered granting deft. Marvine Spears (Co. Atty.) an extension on time of 10 days to respond to pltf's request for 3-Judge Court. (FD-J)r (Letters mailed)	
7-13-71	Plaintiff's reply brief to motion to quash subpoena duces tecum, filed. v	
7-16-71	MINUTE ORDER: Ordered that defts are granted extension of 10 days from 7-16-71 to respond to Pltf's Request for a Three-Judge Court. (FD-J)r	
7-19-71	Response to Pltf's Request for Three-Judge Court (filed by Dist. Atty. Office) Filed. r	
8-9-71	Response to Pltf's Request for Three-Judge Court (filed by City Atty) Filed. r	
8-9-71	Memorandum of authorities in support of Defts' response to Pltf's Request for a Three-Judge Court, filed. r	
9-10-71	Order denying request for a Three-Judge Court, filed. (FD-J)r	

(OVER)

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-16-71	Order, filed, that deft. Purdie's motion to quash subpoena duces tecum and alternatively, motion to strike various portions of appendices to subpoena duces tecum is granted. (FD-J)m (copies mailed)	
10-6-71	Ordered by the Court that this case be set for Pre-Trial Hearing on Thursday, October 14, 1971 at 10:00 A.M. (FD-J)r	
10-14-71	Pre-Trial hearing held. Attorneys represented parties. Statements made. Deft. state that city witnesses are ready for trial. Plaintiff to file Pre-Trial Order. Case set for Non -Jury Trial on November 2, 1971 on Tuesday. (FD-J)r	
10-21-71	Copy of Letter from J. D. to Attorneys dated 10-21-71 directing that the requested instructions to the jury, be filed with Clerk of Court on or before 10-26-71. Also, the Pre-Trial Order has not yet been filed, the attys will immediately confer, prepare and approve such an Order and file on or before 10-26-71. Filed. r	
10-26-71	Letter dated 10-22-71 from Fred P. Gilbert to J. D. stating that attorneys have agreed on waiving Jury in this matter, therefore, ask to strike this case from Jury docket and reset it on a Non-Jury Docket. Filed. r	
10-26-71	Ordered by the court that this case be stricken from the Jury Docket, to be reset on a non-jury docket. (FD-J)r (letters mailed)	
10-29-71	Notice to take depositions by Plaintiff, filed. v	
10-29-71	Notice to take depositions by Plaintiff, filed. v	
10-29-71	Notice to take depositions by Plaintiff, filed. v	
10-29-71	Notice to take depositions by Plaintiff, filed. v	
10-29-71	Notice to take depositions by Plaintiff, filed. v	
10-29-71	Notice to take depositions by Plaintiff, filed. v	
10-29-71	Notice to take depositions by Plaintiff, filed. v	
10-29-71	Notice to take depositions by Plaintiff, filed. v	
11-5-71	Notice to take depositions by Plaintiff, filed. v	
11-5-71	Notice to take depositions by Plaintiff, filed. v	
11-5-71	Notice to take depositions by Plaintiff, filed. v	
11-5-71	Notice to take depositions by Plaintiff, filed. v	
11-5-71	Notice to take depositions by Plaintiff, filed. v	
11-10-71	Deposition subpoenae, ret. & filed: served Officer Jon Crawford, Detective Richard Campbell on 11-8-71; served Detective Dave Ballard, and Officer John Roach on 11-10-71, all at Tulsa, Ok., Officer John Stadler returned unserved. (USM \$9.44)g	
12-3-71	Case set for Non-Jury Trial on Tuesday, December 21, 1971 at 9:30 A.m. (FD-J)r	
12-20-71	Depositions of Richard A. Knight, on behalf of the Pltf., taken before Thomas G. Bloxom on the 9th day of Nov., 1971, with fees of \$72.00, filed.v	
12-21-71	Case stricken for Non-Jury Trial, by agreement of counsel. (FD-J)r	
1-6-71	Deposition of Dave Ballard, taken on 11-10-71 by Evelyn E. Rutherford, LSR, filed. Costs: \$18.00 by plaintiff. ds	
1-12-72	Journal Entry of Judgment, filed and entered. (FD-J)v-copies mailed.	